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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-960**

13 **ALISON M. ZAAAN, AKA ALISON M.**  
14 **POLLARD, AKA ALISON GRACE**  
**MORRIS**  
15 **16876 Roosevelt Lane**  
**Huntington Beach, CA 92649**

**A C C U S A T I O N**

16  
17 **Registered Nurse License No. 424624**

18 Respondent.  
19

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs.

25 2. On or about April 30, 1988, the Board of Registered Nursing issued Registered Nurse  
26 License Number 424624 to Alison M. Zaan, aka Alison M. Pollard, aka Alison Grace Morris  
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
28 the charges brought herein and will expire on September 30, 2011, unless renewed.

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

"Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

"....

"(b) Considering suspension or revocation of a license under Section 490.

"Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

7. Section 490 of the Code states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under

1 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
2 of the business or profession for which the licensee's license was issued.

3 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
4 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
5 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
6 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
7 made suspending the imposition of sentence, irrespective of a subsequent order under the  
8 provisions of Section 1203.4 of the Penal Code.

9 8. Section 493 of the Code states:

10 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
11 the department pursuant to law to deny an application for a license or to suspend or revoke a  
12 license or otherwise take disciplinary action against a person who holds a license, upon the  
13 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
14 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
15 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
16 and the board may inquire into the circumstances surrounding the commission of the crime in  
17 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
18 qualifications, functions, and duties of the licensee in question.

19 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
20 'registration.'"

21 9. Section 2761 of the Code states:

22 "The board may take disciplinary action against a certified or licensed nurse or deny an  
23 application for a certificate or license for any of the following:

24 "..."

25 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
26 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
27 conclusive evidence thereof.

28 "..."

## REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

"(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

11. California Code of Regulations, title 16, section 1445, states:

"(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

"(1) Nature and severity of the act(s) or offense(s).

"(2) Total criminal record.

"(3) The time that has elapsed since commission of the act(s) or offense(s).

"(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

"(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

"(6) Evidence, if any, of rehabilitation submitted by the licensee."

## COSTS

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(November 17, 2009 Criminal Conviction of Disobeying a Court Order on August 6, 2009)**

5 13. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision  
6 (f) of the Code in that Respondent was convicted of a crime substantially related to the  
7 qualifications, functions, and duties of a registered nurse. The circumstances are as follows

8 14. On or about November 17, 2009, in a criminal proceeding entitled *People v. Alison*  
9 *M. Zaan, aka Alison Zaan, aka Alison Grace Morris, aka Alison Morris Pollard*, in Orange  
10 County Superior Court, case number 09WM09540, Respondent was convicted on her plea of  
11 guilty of violating Penal Code section 166, subdivision (a)(4), disobeying a court order, a  
12 misdemeanor.

13 15. As a result of the conviction, on or about November 17, 2009, Respondent was  
14 sentenced to 1 year informal probation and ordered to pay fees, fines, restitution, and complete 8  
15 hours of community service.

16 16. The facts that led to the conviction are that on or about August 6, 2009, at  
17 approximately 2:25 p.m., an officer with the Huntington Beach Police Department was dispatched  
18 to Ashwood Lane regarding a violation of a restraining order. He contacted the victim. The  
19 victim lived on Ashwood Lane and met Respondent about three years earlier. Respondent was an  
20 acquaintance the victim met through work. Respondent tried to befriend the victim and became  
21 obsessed with trying to contact the victim. The victim told Respondent she did not want to talk to  
22 her anymore and that Respondent should seek professional help. Respondent ignored this and  
23 often would go to the victim's residence. On May 22, 2009, the victim got a restraining order  
24 against Respondent, which prohibited Respondent from harassing, stalking, contacting, or coming  
25 within 100 yards of the victim and her family. The restraining order expires in May 2012. The  
26 victim described previous encounters with Respondent. Respondent was becoming more  
27 aggressive in her attempts to contact her. Respondent blocked the victim's car in the driveway so  
28 that they could talk. Respondent left voicemails on the victim's answering machine. The victim

1 was afraid of what would happen because Respondent was becoming increasingly unstable and  
2 aggressive in her attempts to contact the victim.

3 17. On August 6, 2009, the victim was upstairs in her bedroom. Her window faced the  
4 street. She heard the doorbell and a knock on the front door. She looked out of her bedroom  
5 window and saw Respondent's vehicle. Respondent rang the bell four times and walked from the  
6 door toward her vehicle. When the officer arrived afterwards, the victim gave the officer  
7 Respondent's address. The officer went to this address and saw that the car at this residence  
8 matched the description the victim gave of Respondent's vehicle she saw outside of her bedroom.  
9 When the officers approached Respondent's residence, Respondent walked to the front door and  
10 held her wrists toward the officers. When asked why she did this, she said, "Go ahead and arrest  
11 me. I know I rang the doorbell." Respondent told the officers she went to the victim's house to  
12 try to talk to her. She admitted the victim had a restraining order against her. The officer placed  
13 her under arrest and transported her to jail for booking. At the jail, the officer read Respondent  
14 her *Miranda* rights. The officer asked her why she violated the restraining order and she replied  
15 because she was stupid. She admitted she was prohibited from being within 100 yards of the  
16 victim's residence or trying to contact her.

#### 17 SECOND CAUSE FOR DISCIPLINE

##### 18 (August 5, 2010 Criminal Conviction of Disobeying a Court Order on January 4, 2010)

19 18. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision  
20 (f) of the Code in that Respondent was convicted of a crime substantially related to the  
21 qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

22 19. On or about August 5, 2010, in a criminal proceeding entitled *People v. Alison M.*  
23 *Zaan, aka Alison Zaan, aka Alison Grace Morris, aka Alison Morris Pollard*, in Orange County  
24 Superior Court, case number 10WM06394, Respondent was convicted on her plea of guilty of  
25 violating Penal Code section 166, subdivision (a)(4), disobeying a court order, a misdemeanor.

26 20. As a result of the conviction, on or about August 5, 2010, Respondent was sentenced  
27 to 3 years informal probation, ordered to serve 90 days in county jail, which was stayed pending  
28

1 successful completion of community service, ordered to have no contact with the victim and her  
2 family and to stay 100 yards away from them, and ordered to pay fees, fines, and restitution.

3 21. The facts that led to the conviction are that on or about November 17, 2009, the  
4 victim received a second restraining order against Respondent that had the same parameters as the  
5 first restraining order. This second restraining order expired in November 2010. On or about  
6 January 4, 2010, at approximately 8:00 p.m., an officer with the Huntington Beach Police  
7 Department responded to the victim's residence for a reported restraining order violation. One of  
8 the victim's children said Respondent approached her earlier that day and spoke to her. At  
9 approximately 2:20 p.m. that day, the child was walking to after school day care when  
10 Respondent approached her. Respondent said "[T]hat's a cute shirt, do you know that?" When  
11 the child did not respond, Respondent told the child, "Tell your dad to peace out." Respondent  
12 was about 10 feet away from the child during this encounter. Afterwards, the officers spoke to  
13 Respondent at her residence and she acknowledged there was a restraining order against her.

### 14 THIRD CAUSE FOR DISCIPLINE

#### 15 **(September 20, 2010 Criminal Conviction of Disobeying a Court Order on February 22,** 16 **2010)**

17 22. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision  
18 (f) of the Code in that Respondent was convicted of a crime substantially related to the  
19 qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

20 23. On or about September 20, 2010, in a criminal proceeding entitled *People v. Alison*  
21 *M. Zaan, aka Alison Zaan, aka Alison Grace Morris, aka Alison Morris Pollard*, in Orange  
22 County Superior Court, case number 10WM08397, Respondent was convicted on her plea of  
23 guilty of violating Penal Code section 166, subdivision (a)(4), disobeying a court order, a  
24 misdemeanor.

25 24. As a result of the conviction, on or about September 20, 2010, Respondent's sentence  
26 was suspended and she was ordered to pay fees, fines, and restitution.

27 25. The facts that led to the conviction are that on or about February 22, 2010, at  
28 approximately 12:20 p.m., an officer with the Huntington Beach Police Department responded to

1 Ashwood Lane regarding a restraining order violation. The officer spoke to the victim and he  
2 learned the details of the May 2009 restraining order. He learned Respondent had been arrested  
3 twice before for violating the restraining orders the victim had against Respondent. On this day,  
4 at approximately noon, the victim was in the upstairs bedroom of her house and heard the  
5 doorbell ring. She looked outside the window that faces the front of the house and saw  
6 Respondent standing outside. Respondent was holding a piece of paper in her hand and loitering  
7 on the front yard in the access way to the front door. Respondent was on the property for about  
8 10 minutes before leaving. The victim found a note in her mailbox that she believed was the  
9 paper Respondent previously had in her hand. It appeared to be an apology letter and said,  
10 "Please don't send me to jail again." Afterwards, Respondent admitted to the officer she left this  
11 letter. She also acknowledged the restraining order against her and the terms that she could not  
12 be within 100 yards of the victim.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 424624, issued to Alison  
17 M. Zaan, aka Alison M. Pollard, aka Alison Grace Morris;

18 2. Ordering Alison M. Zaan to pay the Board of Registered Nursing the reasonable costs  
19 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
20 section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/1/11

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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